

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ERNESTO MIGUEL HEREDIA,
Plaintiff,
v.
THE HERTZ CORPORATION,
Defendant.

Case No.18-cv-00870-VKD

**ORDER DISMISSING CASE WITH
PREJUDICE FOR FAILURE TO
PROSECUTE**

Plaintiff Ernesto Heredia filed the present action on February 9, 2018. Dkt. No. 1. On February 22, 2018, the Court granted Mr. Heredia's application to proceed in forma pauperis. Dkt. No. 4. The U.S. Marshals Service served the complaint on defendant The Hertz Corporation ("Hertz"), and all parties consented that all proceedings in this matter may be heard and finally adjudicated by a magistrate judge. 28 U.S.C. § 636(c); Fed. R. Civ. P. 73; Dkt. Nos. 9, 10, 16.

On June 22, 2018, the Court granted Hertz's motion to dismiss the complaint with leave to amend. Mr. Heredia was given until July 12, 2018 to file his amended pleading. He did not file an amended complaint.

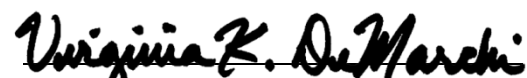
The Court then ordered Mr. Heredia to show cause why this case should not be dismissed for failure to prosecute. Dkt. No. 25. Mr. Heredia was directed to file a written response to the order to show cause by August 3, 2018 and to appear for a show cause hearing on August 7, 2018, 10:00 a.m. *Id.* at 1. The Court's order advised Mr. Heredia that if he failed to file a written response or to appear for the hearing, this case would be dismissed with prejudice for failure to prosecute. *Id.* at 1-2. Mr. Heredia did not file a written response to the Court's order. Nor did he appear at the August 7, 2018 hearing.

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Accordingly, the Court dismisses this case with prejudice for failure to prosecute. The Clerk of Court shall close the file.

IT IS SO ORDERED.

Dated: August 7, 2018


VIRGINIA K. DEMARCHI
United States Magistrate Judge